

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAMICO MUTUAL INSURANCE COMPANY,:

Plaintiff,

v.

HEFFLER, RADETICH & SAITTA, LLP,

Defendant.

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CIVIL ACTION

FILED

NO. 11-4753
JUN 28 2013

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 27th day of June, 2013, upon consideration of Plaintiff's Motion for Summary Judgment (Document No. 42, filed December 3, 2012), Defendant Heffler, Radetich & Saitta, L.L.P.'s Cross-Motion for Partial Summary Judgment (Document No. 43, filed December 23, 2012), CAMICO's Reply in Support of Motion for Summary Judgment and in Opposition to Defendant's Cross-Motion for Summary Judgment (Document No. 45, filed January 14, 2013), Reply Memorandum of Defendant Heffler, Radetich & Saitta, L.L.P. in Support of its Cross-Motion for Partial Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment (Document No. 48, filed January 28, 2013) and the Joint Status Report (Document No. 50, filed May 29, 2013), for the reasons set forth in the Memorandum dated June 27, 2013, **IT IS ORDERED** as follows:

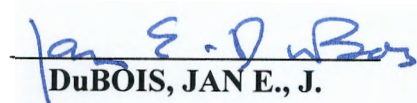
1. Plaintiff's Motion for Summary Judgment is **GRANTED** as to Counts One, Three, and Four of the Amended Complaint, and as to defendant's counterclaims;
2. Plaintiff's Motion for Summary Judgment is **DENIED** as to Count Two of the Amended Complaint, and that Count is **DISMISSED**;
3. Defendant Heffler, Radetich & Saitta, L.L.P.'s Cross-Motion for Partial Summary Judgment is **DENIED**;

4. The Court **DETERMINES** that plaintiff CAMICO Mutual Insurance Company has no further duty to defend or indemnify defendant Heffler, Radetich & Saitta, L.L.P. in the underlying action in this Court, Oetting v. Heffler, Civil Action Number 11-4757. Plaintiff is entitled to recover from defendant those expenses in excess of the \$100,000 sub-limit, incurred by plaintiff in the Oetting action on or after July 6, 2011; and

5. Judgment is **ENTERED IN FAVOR** of plaintiff CAMICO Mutual Insurance Company, and **AGAINST** defendant Heffler, Radetich & Saitta, L.L.P.

IT IS FURTHER ORDERED THAT the parties shall meet and confer in an effort to reach agreement on the amount of damages owed to CAMICO by Heffler. The parties shall submit a joint report on that issue on or before July 11, 2013. Two (2) copies of the joint report shall be served on the Court (Chambers, Room 12613) when the original is filed. If the parties cannot reach agreement, the Court will schedule a hearing in due course.

BY THE COURT:


DuBOIS, JAN E., J.